

Issued by the
UNITED STATES DISTRICT COURT

FILED
DISTRICT COURT OF GUAM

DISTRICT OF GUAM

MAY 21 2008

UNITED STATES OF AMERICA

SUBPOENA

^{2nd DE}
JEANNE G. QUINATA
Clerk of Court

V.

ANTONIO Y. CRUZ

Case Number: CIV 02-00004

TO: Antonio Y. Cruz
P.O. Box XXXXX
GMF, Guam 96921

YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
U.S. Attorney's Office, Sirena Plaza, Suite 500 108 Hernan Cortez Avenue, Hagatna, Guam 96910	May 9, 2008 at 4:00 p.m.

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):


SEE ATTACHED NOTICE OF INTENT TO TAKE ORAL DEPOSITION WITH SUBPOENA DUCES TECUM.

PLACE	DATE AND TIME
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YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
 MIKAEL W. SCHWAB, Assistant U.S. Attorney JESSICA F. CRUZ, Assistant U.S. Attorney U.S. Attorney's Office, Sirena Plaza, Ste. 500, 108 Hernan Cortez Ave., Hagatna, GU 96910 (See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)	2 26 08

If action is pending in district other than district of issuance, state district under case number.

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

Antonio Y. Cruz

In Person

SERVED BY (PRINT NAME)

TITLE

David A. Punzahn

DUSU

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

3/22/08
DATE

SIGNATURE OF SERVER

520 W. Soledad Ave
ADDRESS OF SERVER

Haystack, Ga 306910

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fees.

(2)(A) A person commanded to produce and permit inspections and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance,

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order

to attend trial be commanded to travel any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN
See "Instructions for Service of Process by U.S. Marshal"



PLAINTIFF UNITED STATES OF AMERICA	COURT CASE NUMBER CIV 02-00004
DEFENDANT ANTONIO V. CRUZ	TYPE OF PROCESS SERVICE OF DEPO SUBPOENA

SERVE AT { NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
Antonio V. Cruz
 ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)
Yigo, Guam

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> United States Attorney's Office, Financial Litigation Unit Sirena Plaza, Suite 500 108 Hernan Cortez Avenue Hagatna, Guam 96910 </div>	Number of process to be served with this Form 285	1
	Number of parties to be served in this case	1
	Check for service on U.S.A.	0

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

Fold Fold

See attached for information purpose only. Not to be filed with the Court.

Signature of Attorney or other Originator requesting service on behalf of: MIKEL W. SCHWAB, Assistant U.S. Attorney	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER 671-472-7332	DATE 2/27/08
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SPACE BELOW FOR USE OF U.S. MARSHAL ONLY- DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process 1	District of Origin 093	District to Serve 093	Signature of Authorized USMS Deputy or Clerk 	Date 2/28/08
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I hereby certify and return that I ☒ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in defendant's usual place of abode						
Address (complete only different than shown above)	<table border="1"> <tr> <td>Date 3/22/08</td> <td>Time 1419</td> <td><input type="checkbox"/> am <input checked="" type="checkbox"/> pm</td> </tr> <tr> <td colspan="3">Signature of U.S. Marshal or Deputy </td> </tr> </table>	Date 3/22/08	Time 1419	<input type="checkbox"/> am <input checked="" type="checkbox"/> pm	Signature of U.S. Marshal or Deputy 		
Date 3/22/08	Time 1419	<input type="checkbox"/> am <input checked="" type="checkbox"/> pm					
Signature of U.S. Marshal or Deputy 							

Service Fee	Total Mileage Charges including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal* or (Amount of Refund*) \$0.00
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REMARKS:

PRINT 5 COPIES:

1. CLERK OF THE COURT
2. USMS RECORD
3. NOTICE OF SERVICE
4. BILLING STATEMENT*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.
5. ACKNOWLEDGMENT OF RECEIPT

RECEIVED
MAY 21 2008

DISTRICT COURT OF GUAM

Form USM-285
Rev. 12/15/80
Automated 01/00

FEB 27 2008

JEANNE G. QUINATA
Clerk of Court

1 **CRUZ_A.dep**

2 **LEONARDO M. RAPADAS**
United States Attorney
3 **MIKEL W. SCHWAB**
Assistant U.S. Attorney
4 **JESSICA F. CRUZ**
Assistant U.S. Attorney
5 Sirena Plaza, Suite 500
108 Hernan Cortez Avenue
6 Hagåtña, Guam 96910-5059
TEL: (671) 472-7332
7 FAX: (671) 472-7334

8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE DISTRICT OF GUAM**

10 **UNITED STATES OF AMERICA,**)
11)
Plaintiff,)
12)
vs.)
13)
ANTONIO Y. CRUZ,)
14)
Defendant.)
15)

CIVIL CASE NO. 02-00004

**NOTICE OF INTENTION TO TAKE
ORAL DEPOSITION WITH
SUBPOENA DUCES TECUM**

16 **TO: Antonio Y. Cruz**
17 **P.O. Box XXXXX**
18 **GMF, Guam 96921**

19 Please take notice that the United States of America, the plaintiff and judgment creditor
20 herein, will on May 9, 2008 take oral deposition of defendant, ANTONIO Y. CRUZ, in the
21 above styled and number case pursuant to Rules 30 and 69(a) of the Federal Rules of Civil
22 Procedure and in aid of collecting its judgment.

23 Said deposition will take place at the offices of the United States Attorney, 5th Floor,
24 Sirena Plaza, 108 Hernan Cortez Avenue, Hagåtña, Guam at 4:00 p.m. on May 9, 2008 and will
25 continue until completed. Said deposition will be taken before a Certified Court Reporter and
26 will be taken upon oral examination for the purpose of discovery or as evidence or both pursuant
27 to the Federal Rules of Civil Procedure.

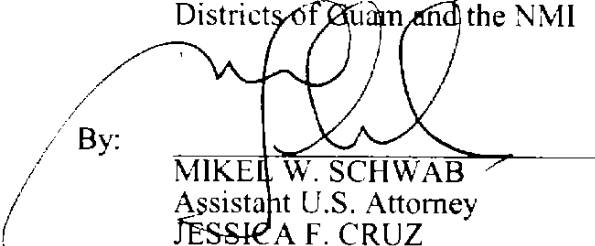
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1 Notice is hereby further given that at this deposition defendant, ANTONIO Y. CRUZ, is
2 hereby required to produce all documents described in the accompanying Attachment A.

3 DATED, this 27th day of February, 2008.

4
5 LEONARDO M. RAPADAS
6 United States Attorney
7 Districts of Guam and the NMI

8 By:

9 
10 MIKEL W. SCHWAB
11 Assistant U.S. Attorney
12 JESSICA F. CRUZ
13 Assistant U.S. Attorney
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SCHEDULE A TO NOTICE OF INTENT TO TAKE
ORAL DEPOSITION WITH SUBPOENA DUCES TECUM

1. Full and complete copies of your income tax returns for the past three (3) years filed by you or any business in which you owned an interest, or evidence of request to Department of Revenue and Taxation for filing of extension.
2. Earnings statements from your twelve (12) most recent pay checks.
3. Business records for the present year and past calendar or tax year which reflects assets, liabilities, contingent liabilities, gross receipts and expenses for any sole proprietorship, partnership or corporation in which you or your spouse owns any interest.
4. Current bank statements for the past twelve (12) months from all domestic and foreign banks or other financial institutions where any sole proprietorship, partnership or corporation in which you or your spouse owns any interest has an account of any kind.
5. Current bank statements for the past twelve (12) months from all domestic and foreign banks or other financial institutions where you or your spouse have an account of any kind.
6. All trust agreements in which you or your spouse are named settlor, trustee, or beneficiary.
7. All deeds, leases, contracts, and other documents evidencing encumbrances of any kind on real property owned by you or in which you or your spouse have any ownership interest.
8. All deeds of trusts, mortgages, or other documents evidencing encumbrances of any kind on real property owned by you or in which you or your spouse have any ownership interest.
9. A listing of all stock, bonds, or other securities of any class you own separately or jointly with others, including options to purchase any securities and the actual instruments if in your possession.
10. Current brokerage statements for the past twelve (12) months from any stock brokerage firm or similar entity where you or your spouse have an account of any kind.
11. Title to any motor vehicle owned by you or your spouse.
12. All life insurance policies in which you are either the insured or the beneficiary.
13. All promissory notes held by you, and all other documents evidencing any money owed to you either now or in the future.
14. All financial statements prepared by or for you in the last twelve (12) months and an updated verified Department of Justice financial statement (OBD 500) not more than sixty (60) days old (attached hereto).
15. All deeds, titles, bills of sale, or other documents prepared in connection with any transfer of real or personal property made with you, either by gift, sale, or otherwise in the last twelve (12) months.
16. A schedule of all regular expenses paid by you, such as installment debts, food, utilities, etc. Include the amount paid, the payee, and, if an installment debt, the amount of the debt owing and any security pledged.
17. All documents evidencing any interest you have in any pension plan, retirement fund, or profit sharing plan.
18. A certified copy of any divorce decree granted to you, plus a copy of any property settlement resulting from said divorce, including alimony and child support agreements or orders.